G. R. S. 58]

Previous references.

191 S.
(Murray)

File No. 226-1L

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for January 16.

SUBJECT.

Revenue Application from the Agent of the Nuns marmahalle Matt in Devanahalle Tk

---

681 Dt 17.1.16
Informs the petnr that Govt see no reason to Comply with his request

W D 1351—GPB—20,000—18-12-15

12 V 4
B? VH

G R.S. 11] 1914.

GENERAL AND REVENUE SECRETARIAT.

(Inwards)

NOTES.

File No. 226-14.

FILE HEADING.

Review - application from the Agent of Hanasamudra-halli matt in the Devanahalli Taluk.

From

The Agent of the Matt

~~No.~~ Pettah Dated without date Received 9. 11. 14.

Diary No. 919	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Prays for a re-consideration of the Grant under relating to the Mahantana mada at Vadigenahalli in the Devanahalli Taluk

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—35,000—15 6 12

(2

REPLY.

(To be written on this margin.)

Office of the Dewan of Mysore.

NOTE.

Dated 18th November *191*4

Petition received on the 9th November 1914 from Mr. Gurunanja Wadiyar, Agent of the Hunasamaranhalli Mutt in the Devanhalli taluk praying for a revision of the order recently passed by the First Member of Council upholding the decree of a civil court passed in the year 1871 by which the possession of the building known as the Mahant Mutt in Vadigenhalli was assigned to the Nagartha people of the place, the grounds urged for a revision of the order being -

(1) that at the time of the civil court decree the Swamy not having been made a party to the suit, the records and title deeds could not be produced by him;

(2) that a decree passed against the Agent is not binding on the swamy;

(3) that the local officers who are the best judges of the relative claims of the contending parties have recommended that the property in question being Inam should properly be resumed by Government and restored to the Mutt;

(4) that the decision of the First Member is unjust as it deprives the Mutt of its legitimate right;

and (5) that in several cases Government in the Inam department have ordered the restoration of properties like the one in question.

The Under Secretary, Inam department should be requested to study the case and explain it to me in person on a Friday.

Secretary,
Gen. & Rev. Deptts

To & S VII Draft

15/11

15 11 14.

I explained the facts of the case to the Dewan who was pleased to order that the petition may be disposed of in the usual course

(3

S. 12]

General and Revenue Secretariat.

File No. 226 of 1914

Serial No.

Mutz. 7. no. 114-12 is put up. The office-note in the collection goes exhaustively into the facts of the case.

The Agent of Hunasamaranahalli matt petitioned Govt complaining that some Vagarthas had taken unauthorized possession of the Mahantana matt at Vadigenahalli in the Devanahalli Taluk, and praying for its restoration. The Dy. Commrs. report which was called for was received. The 1st member heard the contending parties and their Advocates, and directed that the Vagarthas who had possession of the Vadigenahalli matt for more than 40 years in accordance with a final decree of the judicial Commr Court be disturbed (vide Govt Pro. no. 375 dy 12th August 1914).

The Agent prays that the above order may be revised and the matt building restored to his possession.

A precis of the review-application is submitted as directed

Submitted

28.4.14

NOTE—Contin[illegible]

GPB—25 000—2 11 14

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S. 12]

General and Revenue Secretariat.

File No. 226 of 1914.

Serial No.

Put up a draft endorsement. Contents by declining reconsideration

lea

30 11 14

av.

Submd. with a draft Endt

MNS

2.12.14

Subd draft Endt. as above

lea

2.12

Draft ~~Endt~~ approved as above

Due after approval by the Dewan.

17/12/14 Due 19/12

3419

21-12-14

Subd to Dewan

lea

19.12.14

To be placed before the Dewan.

14/7/15

The draft approved by the Dewan may issue

13/1/16 lea

lea 15/1/16

NOTE—Contn. sheet.

GPB—25 000—2 11 14

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5

S. 12

General and Revenue Secretariat.

File No. 226 of 191 4/

Serial No. 2

B

NO: 1681 Dt. 17.1.16, to the letter informs him that Govt see no reason to comply with his above request—

NOTE—Contn. sheet.

GPB—25 000—2 11 14

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14 15
Bmcr
226-14

ಸಂಖ್ಯೆ: ಎಸ್‌ಡಬ್ಲ್ಯೂಪಿ ೧೨೩೪ ಎಲ್‌ಎಸ್‌ಎ ೨೦೧೪

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ, ಕಂದಾಯ ಇಲಾಖೆ (ಭೂಸುಧಾರಣೆ), ಸರ್ಕಾರದ ಸಚಿವಾಲಯ, ಬೆಂಗಳೂರು ೫೬೦೦೦೧ ಇವರಿಂದ ಕಾಯ್ದೆ ಸಲಹೆಗಾರರು, ಕಾನೂನು ಇಲಾಖೆ, ಸರ್ಕಾರದ ಸಚಿವಾಲಯ, ಬೆಂಗಳೂರು ೫೬೦೦೦೧ ಇವರಿಗೆ ಕಳುಹಿಸಿದ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಸ್‌ಡಬ್ಲ್ಯೂಪಿ ೧೨೩೪ ಎಲ್‌ಎಸ್‌ಎ ೨೦೧೪, ದಿನಾಂಕ ೧೨-೮-೨೦೧೪.

ವಿಷಯ: ಕರ್ನಾಟಕ ಭೂಸುಧಾರಣೆ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆ, ೨೦೧೪ರ ಕರಡು ಪರಿಶೀಲನೆ ಮತ್ತು ಅಭಿಪ್ರಾಯ ಕುರಿತು.

ಮಹಾಶಯರೇ,

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈ ಇಲಾಖೆಯಲ್ಲಿ ಸಿದ್ಧಪಡಿಸಲಾಗಿರುವ ಕರ್ನಾಟಕ ಭೂಸುಧಾರಣೆ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆ, ೨೦೧೪ರ ಕರಡನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ. ಈ ಕರಡಿನ ಬಗ್ಗೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯ ಮತ್ತು ಸಲಹೆಗಳನ್ನು ೧೫ ದಿನಗಳೊಳಗೆ ತಿಳಿಸಬೇಕಾಗಿ ಕೋರಿದೆ. ನಿಗದಿತ ಅವಧಿಯೊಳಗೆ ಅಭಿಪ್ರಾಯ ಬಾರದಿದ್ದಲ್ಲಿ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆ ಇಲ್ಲವೆಂದು ಭಾವಿಸಲಾಗುವುದು ಎಂಬುದನ್ನು ಗಮನಿಸಬೇಕು.

ಈ ಕರಡು ಕಾಯ್ದೆಯ ಮುಖ್ಯ ಉದ್ದೇಶವೆಂದರೆ, ಕೃಷಿಯೇತರ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂಮಿಯನ್ನು ಪರಿವರ್ತಿಸುವ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಸಣ್ಣ ಮತ್ತು ಅತಿ ಸಣ್ಣ ರೈತರಿಗೆ ಸೂಕ್ತ ಪರಿಹಾರ ಮತ್ತು ಪುನರ್ವಸತಿ ಕಲ್ಪಿಸುವುದು. ಪ್ರಸ್ತುತ ಕಾಯ್ದೆಯಲ್ಲಿ ಈ ಬಗ್ಗೆ ಸ್ಪಷ್ಟ ನಿಬಂಧನೆಗಳಿಲ್ಲದಿರುವುದರಿಂದ ಅನೇಕ ಪ್ರಕರಣಗಳಲ್ಲಿ ರೈತರು ನ್ಯಾಯಯುತ ಪರಿಹಾರದಿಂದ ವಂಚಿತರಾಗಿದ್ದಾರೆ ಎಂಬ ಅಂಶವನ್ನು ಕರಡಿನ ಪೀಠಿಕೆಯಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ.

ಕರಡಿನ ಪ್ರಮುಖ ಅಂಶಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ: (೧) ಕೃಷಿಯೇತರ ಉದ್ದೇಶಕ್ಕೆ ಭೂಮಿ ಪರಿವರ್ತನೆಗೆ ಮುನ್ನ ಸಾರ್ವಜನಿಕ ವಿಚಾರಣೆ ನಡೆಸುವುದು ಕಡ್ಡಾಯ; (೨) ಪರಿಹಾರ ಮೊತ್ತವನ್ನು ಮಾರುಕಟ್ಟೆ ಮೌಲ್ಯದ ಜೊತೆಗೆ ಶೇ. ೧೦೦ರಷ್ಟು ಹೆಚ್ಚುವರಿ ಮೊತ್ತ ಸೇರಿಸಿ ನಿರ್ಧರಿಸುವುದು; (೩) ಭೂಮಿ ಕಳೆದುಕೊಂಡ ಕುಟುಂಬಕ್ಕೆ ಒಬ್ಬರಿಗೆ ಉದ್ಯೋಗ ಅಥವಾ ಮಾಸಿಕ ಜೀವನಾಧಾರ ಭತ್ಯೆ ನೀಡುವುದು; (೪) ಪರಿಹಾರ ಪಾವತಿಯಾಗುವವರೆಗೆ ಭೂಮಿಯ ಸ್ವಾಧೀನ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಮುಂದುವರಿಸಬಾರದು ಎಂಬ ನಿಬಂಧನೆಗಳು ಪ್ರಮುಖವಾಗಿವೆ.

ಈ ಕರಡು ಕಾಯ್ದೆಯು ಸಂವಿಧಾನದ ಯಾವುದೇ ಅನುಚ್ಛೇದಗಳಿಗೆ ವಿರುದ್ಧವಾಗಿದೆಯೇ ಎಂಬುದನ್ನು ಕಾನೂನು ಇಲಾಖೆಯು ಪರಿಶೀಲಿಸಿ ಅಭಿಪ್ರಾಯ ನೀಡಬೇಕಾಗಿ ಕೋರಲಾಗಿದೆ. ವಿಶೇಷವಾಗಿ ಅನುಚ್ಛೇದ ೩೧ಎ ಮತ್ತು ೩೧ಬಿ ಅಡಿಯಲ್ಲಿ ಈ ಕಾಯ್ದೆಗೆ ಸಂವಿಧಾನಾತ್ಮಕ ರಕ್ಷಣೆ ಲಭ್ಯವಾಗಲು ಯಾವ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕು ಎಂಬುದರ ಬಗ್ಗೆಯೂ ಸಲಹೆ ಅಗತ್ಯವಿದೆ.

ಕರಡಿನ ಕೆಲವು ಅಂಶಗಳ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಕೆಲವು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಮತ್ತು ರೈತ ಸಂಘಟನೆಗಳಿಂದ ಆಕ್ಷೇಪಣೆಗಳು ವ್ಯಕ್ತವಾಗಿವೆ. ಆದ್ದರಿಂದ ಕಾನೂನು ಇಲಾಖೆಯ ಅಭಿಪ್ರಾಯವು ಅತ್ಯಂತ ಮಹತ್ವದ್ದಾಗಿದೆ. ಕರಡಿನ ಪ್ರತಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

(ಎಂ. ಕೆ. ಶಿವಪ್ರಸಾದ್)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಕೆಳಗಿನ ಪ್ರಕಾರ ಅಂಗೀಕರಿಸಿದೆ. ಅಂಗೀಕರಿಸಿದ ಮೊತ್ತವನ್ನು ಪಡೆಯಲು ಅರ್ಜಿದಾರರು ಅರ್ಹರಾಗಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ಕೋರಿರುವಂತೆ ಅರ್ಜಿದಾರರಿಗೆ ಸೇರಿದ ಸರ್ವೆ ನಂ. 37ಕೆ ಜಮೀನಿನಲ್ಲಿ ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡಿರುವ ಬೆಳೆಗಳಿಗೆ ಪರಿಹಾರ ಮೊತ್ತವನ್ನು ಅಂಗೀಕರಿಸಿ ಆದೇಶಿಸಿರುವ ಬಗ್ಗೆ

ಸಾಕ್ಷಿದಾರರ ಸಹಿ ಅಥವಾ ಅಂಗುಟ

ಸಾಕ್ಷಿ ಹೇಳಿಕೆ. ಈ ಕೆಳಗಿನ ಸಹಿ ಮಾಡಿದವನು ಸಾಕ್ಷಿ ಹೇಳಿಕೆ ಕೊಟ್ಟಿದ್ದು ಅದು ಹೀಗಿದೆ - ನಾನು ಮೇಲೆ ಹೆಸರಿಸಿರುವ ಪಿರ್ಯಾದಿಯ ಅಣ್ಣನ ಮಗ. ಫಿರ್ಯಾದಿ - ಸಾಕ್ಷಿದಾರರ ಮನೆ ಪಕ್ಕದಲ್ಲಿ ವಾಸವಾಗಿದ್ದಾರೆ. ಸಾಕ್ಷಿದಾರರು ಮತ್ತು ಫಿರ್ಯಾದಿಯವರು ಒಂದೇ ಕುಟುಂಬಕ್ಕೆ ಸೇರಿದವರು. ಸಾಕ್ಷಿದಾರರು ಮತ್ತು ಫಿರ್ಯಾದಿಯವರು ಒಂದೇ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದ

A precis of the Review-application from the Agent of Hunasamaranahalli matt. —

His late Highness Sriman Mummadi krishnaraja Wadiyar got a mahantana matt Constructed at Vadigenahalli in the Devanahalli Taluk for the benefit of a previous Swamy of H. matt and endowed it with inam lands.

2. The civil Court decree by which Nagarthas got possession of Vadigenahalli matt in 1871, was passed in a dispute between Nagarthas and their Agent Nanje Vadeir-the mula-guru was not made a party and consequently the Court had no opportunity to examine the documents available in the Hunasamanahalli matt. The decree is not therefore binding on the mula-swamigalu.

3 The present guru had petitioned Govt praying that the matt building being a mutznai institu, the mutz. Dept should apply the rules in force and resume and restore it to H. matt.

The local authorities

to whom the matter was referred for report, heard the contending parties and examined the documents produced in the case. They found the Matt to be a miz. indm and expressed the opinion that Govt should step in and restore the alienated buildings.

4 Govt did not take into Cnsideration the views expressed by the local authorities and have passed the order sought to be revised, wherein it is stated, that as the Nagarthas have had possession of the building for more than 40 years. in accordance with the civil court decree, such possession cannot be interfered with.

5 The local authorities and our Counsel Mr. Veerabasaiah (who appeared for the Matt when the case was heard by the 1st member) have cited authorities in support of the fact that Govt can resume the alienated inams. The Sannad produced shows that His late Highness renovated the building at a cost of 200 Varahas. The Hunasa maranahalli Matt has been

in the enjoyment of the inam lands granted for the support of Vadigenahalli Matt for hundreds of years past.

6. The Govt order says that alienated inam lands can be resumed, but that it is not possible to recover a building in the possession of the opposite party under a civil court decree.

7 His late Highness got the Matt in question constructed and endowed it with inam lands. Both these properties are included in the Sanad granted to the matt. When the lands mentioned therein are admitted to be inam, it is for Govt to consider that the Matt building, mentioned therein is also a Muzrai institution subject to the orders of the Muz. Dept.

8 The civil Courts have decided that the Vadigenahalli Matt building is the common property of the Nagarthas of the place. That community is now split up into factions, one of which is in favor of the H. Matt while the other is against it. As a result of the split, the building which is situated in the middle

the Petah is much
the building is in a ruined
condition and is an eyesore.
These facts have been brought
to the notice of Govt by the
local authorities.
9 In the year 1871 Govt
had not laid out the rule
that Civil Court should not
take Cognizance of Inungai
Suits. During those days,
any class of suit which
came up before it was
being enquired into and
disposed of. Govt had not
then drawn the line of
distinction as to the classes
of Cases Cognizable by
Civil Courts and Govt.
10 The Hunasamanahalli
Matt also known as Mahantana
Peetah is the chief Matt of
the Lingayet community.
The Vadigenahalli Mahantana
Matt cannot be independent
of our Matt, but is a branch
to it.
11 The Agent prays that on
a perusal of the entire
records including the several
documents produced by him,
the Matt building may be
restored to the possession
of Hunsomanahalli Matt
so that he may utilize

the income from the main
lands for services in
the institution.
Submitted.

MHST
25-11-14.

26/11/14

మీ లేఖ తో సవరణలు
రాలు పరిశీలన కై పంపిన వాటి

No. 1681 dt. 17.1.96 తో అందింది.
mur 226-14-2

మీ ప్రతిపాదనలకు సంబంధించి
సవరణలు మీ అభిప్రాయాలు తెలియ
పరచగలరు

కాళ్ళకు మరియు మోకాళ్ళ వరకు
సవరణలు అనే పదాలకు బదులుగా
సవరణలు మోకాళ్ళ వరకు అనే పదాలను
మరియు మోకాళ్ళ వరకు అనే పదాలను
తొలగించడం లేదా మార్చడం
ఆవశ్యకమని భావిస్తున్నారా
మరియు ఈ విషయంలో మీ సూచనలు
ఏమైనా ఉంటే దయచేసి తెలుపగలరు
ప్రస్తుత ప్రతిపాదన 1914 లో ఉన్నట్లుగా
12 నెలల వ్యవధి కాకుండా సంబంధిత
రాష్ట్ర ప్రభుత్వం ఆమోదం తెలిపిన
తేదీ నుండి ఒక సంవత్సరం వరకు
పొడిగించడం గురించి 819 లో
సంబంధిత అనుబంధాన్ని కూడా
పొందుపరచడమైనది

మీరు తీసుకున్న చర్యల
ఫలితాలను మాకు తెలియజేయగలరని
ఆశిస్తున్నాము.

Yours faithfully,

To Copy to the
Commr, Bangalore 25/10,
in Cancn of Govt Proc.
No 95 Dy 12th Aug. 1914.

By order,
Lee
7.12.14
Dy Sec to Govt.